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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,264	03/23/2001	Susan Bumgardner Cirulli	END9 2000 0177 US1	7299
44755	7590	02/02/2006		
SHELLEY M. BECKSTRAND 61 GLENMONT ROAD WOODLAWN, VA 24381			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 02/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,264	Applicant(s) CIRULLI ET AL.	
	Examiner Kirsten S. Apple	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The Examiner has read and reviewed the 5 July 2002 drawings provided by the Applicant and has accepted them.

Claim Rejections - 35 USC § 101

The 101 rejection is hereby withdrawn by the Examiner.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-12 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartoli et al. U.S. Patent 6,047,268 (herein referred to as Bartoli) in view of USBI bill and company information (herein referred to as USBI, see List of Referenced Sites and attached bill provided by Examiner.)

Re claim 1, 6, 11 and 12: Bartoli discloses:

A method for purchases (see Bartoli column 2, line 28 "billing system"), comprising the steps of:

receiving from a user, identified by company indicia to one of a plurality of company groups (see Bartoli column 3, line 27 "users account"), a purchase requisition selectively for at least one of a service or commodity line-item object (see Bartoli FIG 2B, Item B211 "billing request");

responsive to said indicia and said line-item object, determining in a front end process, a tax location (see Bartoli, column 4, line 44 "address") based on defined business rules;

feeding said tax location code to a back end process (see Bartoli, column 4, line 64 "for later retrieval); and

in said back end process, preparing a purchase order identified to said one of said plurality of company groups for transmittal to a supplier of said object (see Bartoli FIG 2B, Item B211 "process billing request")

Although Bartoli does not have explicitly disclose "assigning tax codes" and "converting said tax code and tax location to a tax jurisdiction code with associated tax rate." It is obvious to one of ordinary skill in the art to "process the billing request" tax would have to be calculated. In addition, USBI is an example of a company which has been doing this since 1993. USBI is a clearinghouse company for the telecommunication industry and has been calculating "associated tax rates" in accordance with "business rules" both for on and off-line billing. Enclosed is some information about USBI in addition to a bill from July 22, 1998 with the associated tax calculated by USBI.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to explicitly add the “tax rate calculation” step as taught in by USBI to Bartoli billing over the internet. It is clear that any third-party billing provided would be motivated to provide “tax rate calculation” to have a complete billing solution and minimize the step for their customers.

The method claim 1 is similar to the system claim 6, device claim 11 and program claim 12. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 6, 11 and 12 are rejected based on the information provided regarding claim 1.

Re claim 2 and 7: Bartoli discloses:

The method comprising the steps of:

receiving an invoice from said supplier (see Bartoli FIG 2B, Item B211 “billing request”);

responsive to said company group from said purchase order, processing said invoice to selectively pay, short pay, or reject said invoice (see Bartoli FIG 2B, Item B211 “process billing request”).

Although Bartoli does not have explicitly disclose “*tax field*” and “*tax code*.” It is obvious to one of ordinary skill in the art to “process the billing request” tax would have to be calculated. In addition, USBI is an example of a company, which has been calculating tax as a third party billing company since 1993.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to explicitly add the “tax rate calculation” step as taught in by

USBI to Bartoli billing over the internet. It is clear that any third-party billing provided would be motivated to provide "tax rate calculation" to have a complete billing solution and minimize the step for their customers.

The method claim 2 is similar to the system claim 7. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 7 is rejected based on the information provided regarding claim 2.

Re claim 3 and 8: Bartoli discloses:

The method comprising the steps of:

receiving from said user and tax location indicia (see Bartoli, column 4, line 44 "address").

Although Bartoli does not have explicitly disclose "*tax field*" and "*defining taxability for said object based on defined business rules.*" It is obvious to one of ordinary skill in the art to "process the billing request" tax would have to be calculated. In addition, USBI is an example of a company, which has been calculating tax as a third party billing company since 1993.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to explicitly add the "tax rate calculation" step as taught in by USBI to Bartoli billing over the internet. It is clear that any third-party billing provided would be motivated to provide "tax rate calculation" to have a complete billing solution and minimize the step for their customers.

The method claim 3 is similar to the system claim 8. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 8 is rejected based on the information provided regarding claim 3.

Re claim 4 and 9: Bartoli discloses:

The method for billing transactions over the internet.

Although Bartoli does not have explicitly disclose "*providing each object with a tax code*" and "*defining taxability with reference to corresponding tax code.*" It is obvious to one of ordinary skill in the art to "process the billing request" tax would have to be calculated. In addition, USBI is an example of a company, which has been calculating tax as a third party billing company since 1993.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to explicitly add the "tax rate calculation" step as taught in by USBI to Bartoli billing over the internet. It is clear that any third-party billing provided would be motivated to provide "tax rate calculation" to have a complete billing solution and minimize the step for their customers.

The method claim 4 is similar to the system claim 9. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 9 is rejected based on the information provided regarding claim 4.

Re claim 5 and 10: Bartoli discloses:

The method for billing transactions over the internet.

Although Bartoli does not have explicitly disclose "*maintaining, obtaining and defining taxability table from tax code.*" It is obvious to one of ordinary skill in the art to

"process the billing request" tax would have to be calculated. In addition, USBI is an example of a company, which has been calculating tax as a third party billing company since 1993.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to explicitly add the "tax rate calculation" step as taught in by USBI to Bartoli billing over the internet. It is clear that any third-party billing provided would be motivated to provide "tax rate calculation" to have a complete billing solution and minimize the step for their customers.

The method claim 5 is similar to the system claim 10. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 10 is rejected based on the information provided regarding claim 5.

Response to Arguments

Applicant's arguments filed 11/5/05 have been fully considered but they are not persuasive.

In particular, and Applicant argued:

"The applicant's invention goes beyond the obvious. It involves determining a taxability code...."

The Examiner refutes the argument made by the Applicant and draws the attention to USBI. This prior art reference clearly shows different tax being calculated (state, federal and other) as well as combining different companies on the same bill.

Applicants argued 2nd:

"In addition, Bartoli's patent has taxability at the order level, as distinguished from the line item level. ..."

The Examiner refutes the argument made by the Applicant and draws the attention to USBI shows tax being calculated for more than one order (or at the "line item") the USBI tax is calculated separate from the Bell Atlantic tax.

Applicants argued 3rd:

"Bartoli... is a clear statement about commercial offering. Applicant's invention relates to how a corporation operates to manage its tax liability for operating expenses (purchases)."

The Examiner refutes the argument made by the Applicant and draws the attention to USBI, this is calculating tax for two different company. In addition, the examiners interpretation of Bartoli is for a buyer and a seller and one of ordinary skill in art at the time of the invention would conclude the invention could be used if the buyer is any entity including an individual, a company or even a nation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3628

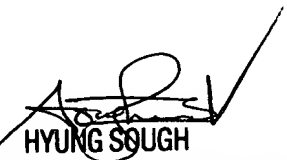
Contact Details

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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